

**PLANNING COMMISSION SPECIAL SESSION  
ANNUAL JOINT MEETING  
COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA  
MONDAY, MARCH 23, 2015**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>	<i>Val Hillers</i>	
	<i>Dean Enell</i>	
	<i>Karen Krug</i>	
<i>District 2</i>		<i>Jeffery Wallin – Chair</i>
	<i>George Saul</i>	
	<i>Darin Hand</i>	
<i>District 3</i>		<i>Wayne Havens</i>
		<i>Beth Munson</i>
		<i>Scott Yonkman</i>

The Board of Island County Commissioner's Chair, Helen Price Johnson called the Annual Joint meeting of the Board of Island County Commissioners, the Island County Planning Commission and the Island County Hearing Examiner to order, noting that all Board members were present.

The Planning Commission's Vice Chair, Dean Enell called the Island County Planning Commission meeting to order at 2:06 p.m.

**ROLL CALL**

Dean Enell, Darin Hand, George Saul, Val Hillers, Karen Krug

Planning staff present: Dave Wechner – Director, Brad Johnson – Senior Planner,

Island County Hearings Examiner, Michael Bobbink was also in attendance.

**Minutes:**

None

The Planning Commission and the Board of County Commissioners welcomed new Planning Commission member, Darin Hand.

**DIRECTOR'S REPORT**

Dave Wechner provided a brief summary of the 2014 Planning Commission work and Hearing Examiner Cases:

2014 began with the Planning Commission meeting in policy discussions regarding the local I-502 (recreational marijuana) regulations. Four public workshops were held on this topic, the Planning Commission heard a presentation on growth trends and Countywide Planning Policies, forwarding a recommendation of approval regarding regional population allocations to the Board of County Commissioners.

The Planning Commission met in a public hearing on I-502 regulations on March 11<sup>th</sup> and again on March 25<sup>th</sup> with a recommendation of approval of code language amending Chapter 17 of the Island County zoning code.

They began workshops on an update to the Fish and Wildlife Habitat Conservation Areas code. Additional workshops and three public hearings followed; final deliberations and approved Findings of Fact with recommendation went to the Board on June 10, 2014.

Public Works presented the Six-Year Transportation and Capital Improvement Programs in August; the Planning Commission adopted the plans as recommended by the County Engineer. Throughout October and November the Planning Commission reviewed the Buildable Lands Analysis and refinements to the Countywide Planning Policies.

Dave Wechner then summarized the Island County Hearing Examiner's report. The County Examiner Michael Bobbink heard three appeals, although four were filed during the year. The remaining appeal has been withdrawn. A Rural Event Center and preliminary subdivision applications were heard, resulting in approvals subject to conditions. The Rural Event Center decision was appealed to the Board, who affirmed the Examiner's decision in October. The details of these decisions are included in the Hearing Examiner's Report.

## 2014 Hearing Examiner Report

2014

4 - Appeals

2 - Preliminary Long Plat

1 - Site Plan Review

### APPEALS

	FILE/NAME	Proposal	Decision
1	382/13 APP - TULALIP TRIBES OF WASHINGTON	Appeal of decision S-CUP 089/12, Temporary installation of two tidal energy generators & onshore equipment structure.	Decision issued on March 21, 2014: The Island County Hearing Examiner hereby denies the Appeals and approves S-CUP 089/12, granting Snohomish County PUD a Shoreline Conditional Use Permit for the proposed Pilot Project consisting of the location of two tidal turbine generators on the floor of Admiralty Inlet; the proposed cable connecting the generators to an onshore facility and connecting it to the power grid, and the associated onshore facilities, subject to the conditions. Applicant further appealed the decision. The Federal Energy Regulatory Commission (FERC) issued a declaratory order on June 19, 2014 stating the federal permit license for the Snohomish County PUD tidal generator project superseded the local and state decisions under the Shoreline Master Program.

2	379/13 APP - PC LANDING CORP	Appeal of decision S-CUP 089/12, Temporary installation of two tidal energy generators & onshore equipment structure.	Decision issued on March 21, 2014: The Island County Hearing Examiner hereby denies the Appeals and approves S-CUP 089/12, granting Snohomish County PUD a Shoreline Conditional Use Permit for the proposed Pilot Project consisting of the location of two tidal turbine generators on the floor of Admiralty Inlet; the proposed cable connecting the generators to an onshore facility and connecting it to the power grid, and the associated onshore facilities, subject to the conditions. Applicant further appealed the decision. The Federal Energy Regulatory Commission (FERC) issued a declaratory order on June 19, 2014 stating the federal permit license for the Snohomish County PUD tidal generator project superseded the local and state decisions under the Shoreline Master Program.
3	352/13 APP - ELIZABETH E. SNYDER	Appeal of the Planning Director's decision on SPR 293/13, proposal to construct a winery, storage facility and kitchen/tasting room. The facility is proposed to include a 9,000 square-foot, three-story building and parking for approximately 50 vehicles.	The Planning Director had the authority to modify the requirement that access to the proposed winery building be off of a county collector, in this case, Wilkinson Road. The Planning Director properly exercised the authority to modify, and the Decision of the Planning Director granting Site Plan Review Approval is hereby upheld, without modification.
4	350/13 APP - SBGKC LLC	Appeal of 298/12 SHE, 299/12 VAR, 300/12 CZC - Appeal of Island County Planning and Community Development decision concerning the repair and restoration of the house located at 2256 Elger Beach Lane, Camano Island	Appellant actively worked with the Planning Department to come to an agreement. A six month stay was requested in order to complete the application process. The stay expired on February 17, 2015. Another extension was requested until March 16, 2015 - a decision for approval with conditions was issued on March 13th once the applicant obtained septic system approval on the lot. The appeal is anticipated to be withdrawn.

#### LAND USE DECISIONS

	FILE/NAME	Proposal	Decision
1	317/13 SPR - Russo	The Applicants are seeking Site Plan Review for a Type III Rural Event Center in order to hold outdoor weddings at Whidbey Wayfarer Farm, located on the southeast corner of Doc Savage Drive and Bayview Road. Approval would allow wedding events with up to 120 guests at each event.	The requested Rural Event Center Permit for outdoor weddings is approved, subject to Conditions of Approval. Decision was appealed to the Board of County of Commissioners and upheld on September 22, 2014 with written decision on October 6, 2014.

2	135/13 PLP- Hansell Mitzell	Applicant seeks preliminary approval of a subdivision of a 9.78-acre parcel, zoned Rural Village, into 19 single-family residential lots and two mixed-use lots. The property is located between East Camano Drive and Elger Bay Road, Camano Island, Washington.	Decision issued February 14, 2014: The Island County Hearing Examiner hereby grants Preliminary Long Subdivision Approval to the proposal by Hansell Mitzel, LLC, for a 21-lot subdivision of a 9.7-acre parcel, located between East Camano Drive and Elger Bay Road, Assessor's Parcel No. R33119-382-2030, subject to conditions.
3	145/13 PLP - Hansell Mitzel	Applicant seeks preliminary approval of an eight lot subdivision. The property is located off of Elger Bay Road, Camano Island, Washington parcel R33119-343-1430.	Application is currently under review in the Planning Department.

Dave Wechner briefly discussed the new contract with the Hearing Examiner, stating a new detail agreed upon is that the monthly retainer will be used to perform code analysis for some of the contradictions, missing pieces or procedural flaws that Examiner Bobbink has noticed in the Island County Code over his 23 years as Hearing Examiner. This will help focus on some code cleanup that will wrap into the overall Comprehensive Plan (Comp Plan) and rewrite of development regulations.

The Board may want to make some policy choices during this process, such as looking at the current procedure which has the Board as the appeal body for Type I decisions made by the Planning Department. Whether the Board wants to continue to sit as an appeal body for land use cases may be a decision the Board may wish to contemplate.

Currently the Examiner is the appeal body for Type II decisions and also sits as the hearing body for Type III decisions. The Board is the appeal body for the Hearing Examiner's decisions. It is an ongoing discussion that will need to occur in work sessions to determine the framework for different types of decisions.

Examiner Michael Bobbink mentioned the Land Use Petition Act (LUPA) allows for all land use actions to be appealed to Superior Court.

Planning Commissioner Dean Enell mentioned that at the last meeting of the Planning Commission a lot of public testimony was taken on wineries in Island County and the code. He felt the Planning Commission could flush out public opinion on this and possibly expand to Rural Event Centers and provide recommendations that would be beneficial in these matters.

Dave Wechner added that in the Planning Commission's recommendation on the Annual Review Docket, a motion was made to recommend to the Board to add this issue to the eight year review cycle and requested that staff set up a subcommittee to further look at agri-tourism, soliciting information from the people that are affected by it.

Dave Wechner stated one of his goals in this meeting was to hear from the Board and the Planning Commission as to what topics of specialized focus by the Planning Commission was needed or wanted. The Planning Commission has a large schedule ahead in terms of the Comp Plan Update, but items that are a priority for the community will need to have time made for them. There are different ways to approach that, Planning Commission subcommittee is one and WSU's hosted focus groups currently being held by Tim Lawrence is another.

Commissioner Price Johnson brought the topic back to the Hearing Examiner's role in the code cleanup and expressed a desire to schedule work session time to discuss how big the list of items are and help prioritize the list with the result of some clear deliverables being identified.

Planning Commissioner Karen Krug suggested Type I appeals go to the Hearing Examiner prior to going to Superior Court.

Commissioner Jill Johnson commented that the current process possess a risk problem for the Board. Other jurisdictions that have similar appeal processes have had incidents where the Board of Commissioners have overturned decisions and then the decision of the Commissioners was overturned and lawsuits were filed. Those counties had to pay, based on the Commissioner's decisions being based on outside community nuances, rather than being based on the record. There is an old school methodology in the current process and cleaning that up should be a priority.

Discussion continued on how that code cleanup might take shape from the role of the Hearing Examiner and the process.

Dave Wechner introduced new Planning Department staff: Current Use Planning Manager, Hiller West and Darren Wyss, Senior Planner in Long Range Planning.

### **NEW BUSINESS –**

#### **Public Workshop – Annual Joint Meeting with the Board of County Commissioners and the Island County Hearing Examiner to discuss the Annual Review Docket or work plan.**

Senior Planner, Brad Johnson presented the 2015 Work Plan:

*Summary from his March 23, 2015 memo to the Board of County Commissioners:*

#### **Department Work Plan – Annual Joint Session Summary:**

The Planning Department is required to prepare a complete list of proposed amendments to the Comprehensive Plan and development regulations on an annual basis in accordance with Chapter 16.26 Island County Code (ICC). This list, known as the Annual Review Docket, must then be forwarded to the Board of County Commissioners and the Planning Commission by March 1 of each year.

The Planning Director evaluates the Annual Review Docket with the Board by April 1 of each year and determines if any items should be considered during the periodic review of the Comprehensive Plan. The Annual Review Docket includes only those items which involve amendments to the Comprehensive Plan or the Island County Code. Other work not involving amendments to the Comprehensive Plan or development regulations is identified in the enclosed 2015 work program. The 2015 work program also includes tasks associated with the 2016 Comprehensive Plan update that will be addressed during 2015.

#### **Past Work:**

The Planning Department has accomplished several significant tasks in the past several years. The 2013 work program included four primary tasks, including (1) Fish and Wildlife Habitat Conservation Areas (FWHCA), (2) Public participation Plan and Preliminary Schedule, (3) Countywide Planning Policies (CWPPs), and (4) Population Forecasts & Allocations. The 2014 work program was similar to the 2013 work program except that it included work on recreational marijuana regulations. With the exception of Countywide Planning Policies, all of the tasks identified for completion in the 2013 and 2014 work programs are now finished. Updated Countywide Planning Policies were approved by the Planning Commission on March 9, 2015 and should be forwarded to the BOCC for action by late April.

Significant progress has also been made on the 2016 Comprehensive Plan update, but several key tasks are behind schedule. The Public Participation Plan and Preliminary Schedule adopted by the BOCC on May 20, 2013 divided the work of updating the comprehensive plan into two broad phases and assigned estimated completion dates for each task. A revised completion schedule was issued for several tasks on July 21, 2014. The first phase of the preliminary plan consisted of six individual tasks, five of which are now complete. The sixth task (formal review of comprehensive plan and development regulations) is projected to be addressed by late April or early May.

#### **Proposed 2015 Work Program:**

A summary has been provided below detailing each item on the 2015 Work Program. All of the items listed below are required by State law, or are part of the Growth Management Act mandated Comprehensive Plan review process.

##### **1. 2016 Comprehensive Plan Update (Priority Item)**

Planning & Community Development is actively working on the periodic review and update of the Island County Comprehensive Plan. Island County is required to complete the periodic review of the Comprehensive Plan and development regulations by June 30, 2016 per RCW 36.70A.130(5). Planning & Community Development anticipates that it will be necessary for the Board and the Planning Commission to take action on the following components of the 2016 Comprehensive Plan in 2015:

- a. Countywide Planning Policies
- b. Formal Review of Comprehensive Plan and Development Regulations
- c. Urban Growth Area Modifications
- d. Draft Comprehensive Plan Revisions

2. **Appeal Responses**

Island County is currently responding to two appeals, one filed in response to the recent Fish and Wildlife Habitat Conservation Areas update, and another challenging the adequacy of the County's critical area protection standards on agricultural lands. The 2015 work program has allocated significant resources to address these appeals.

3. **Island County Shoreline Master Program (SMP) (Priority Item)**

The Board of County Commissioners approved Resolution C-125-12 on December 27, 2013 and formally transmitted the Island County Shoreline Master Program to the Washington State Department of Ecology for approval. On May 1, 2013 the Washington State Department of Ecology (DOE) hosted a public meeting in Coupeville to discuss Island County's proposed SMP update and provided a period for public comment following the meeting.

The Department of Ecology received approximately 339 comments from 79 individuals and 16 organizations and subsequently forwarded a comment summary to Island County on July 9, 2013. Pursuant to Washington Department of Ecology regulations (WAC 173-26-120(6)), Island County provided a response to the public comments on August 30, 2013 and is currently working with DOE to finalize the update process.

The various opportunities for the public to participate in the process were discussed. Several items of concern related to the demographics and whether or not a satisfactory representation of all different groups would be heard.

Brad Johnson stated that three fundamental things form the core of what is minimally required by law in an update to the Comp Plan:

- Comprehensive Plan development regulations need to respond to any changes in the Growth Management Act (GMA) that have not been picked up through changes in the Island County Comprehensive Plan or development regulations.
- Court decisions or GMA Hearings Board decisions, which the County is not consistent with, must be addressed.
- Changes to development regulations that resulted in inconsistencies with the Comp Plan or changes to the Comp Plan that resulted in inconsistencies in the development regulations, need to be looked at.
  - Freeland development regulations.

Dave Wechner provided information on the scope of feedback received so far.

- 543 online responses to the survey through the website.
- 125 additional requests to be added to the email list for Comp Plan update emails.
- 48 people signed in at the Freeland public meeting, turning in an additional 51 surveys.
- 22 people attended in Coupeville, where 19 additional surveys were completed.
  - The Oak Harbor and Camano meetings are coming up.
  - Figuring out how to get more people to participate is important.

The different tools being used to solicit feedback from the public was discussed as well as possibility of refining of those tools, possibly having more open session meetings. Once the first round of public meetings are held, there will be a better sense of the depth of feedback that is being received and all of this would formulate a second round of public participation.

Brad Johnson discussed items that were highly recommended such as code cleanup, where staff has identified glaring inconsistencies or errors in code. He stated there will also be items that are picked up through the public participation process, where the community identifies things that are very significant to them and those should also be considered.

Further discussion around the projected hours for the draft work program ensued. There is some flexibility that has been added to the numbers; some items may take less time and some items may take more time, it is a best guess estimate.

Items the Board of County Commissioners and Planning Commission identified for discussion:

- Urban agriculture
- Freeland development regulations
- Comprehensive Plan with clear and easy to understand language
- Public Input
- List of wants and concerns:
  - Clinton/Bayview Raids – direction of those boundaries and what is allowed. Can changes be made to the boundaries? How do they position themselves in this update so they know what they can and can't do in the future?
  - Agriculture that is not impacted by Critical Areas doesn't fit with the current Comp Plan, such as farm to table, Whidbey grown, and the wineries.
  - Tourism, agri-tourism, weddings – how to scale it, where is it appropriate? How can it be mitigated, it is happening, but we are not prepared.
  - The “Silver Tsunami”, 50 percent of population over the age of 50 and its effect, has not been addressed in a comprehensive manner. The needs and services being provided by the Federal and State government are flat and yet the demand is increasing. It impacts transportation, housing and on such things as the impact on volunteer firefighters.
  - Home businesses, home industries, artisan, craftsman.
  - Senior housing.
  - Diversifying jobs.
  - Shoreline Master Program (SMP) adoption/updating – waiting on DOE. The need for the SMP to be in place prior to the work on critical areas is crucial.
  - Economic Development Element and vision statement. At the very least identify the respective roles of the different economic development agencies in the County, such as the County, the EDC, the Port Districts, and each of the incorporated jurisdictions.
  - Joint Planning Area policies and how those decisions are made. Each Planning Area can be looked at individually.
  - Land use encroachment.
  - Camano Island and their economy and diversity.



- Urban type of behavior in rural areas.
- Wildlife habitat planning areas / management plans / corridors.
- Influencing growth to occur where the infrastructure is and the preservation of open space.
- Urban Growth Areas.
- Countywide Planning Policies.
- Being realistic – dreaming is great, but things always take longer than expected.
- Continued deterioration of the view as one comes onto the island – coming from the Clinton ferry – the gateway impression is important.

*Commissioner Hillers moved to adjourn the Planning Commission, Commissioner Krug seconded, motion carried unanimously.*

Meeting adjourned at 4:06 p.m.

Respectfully submitted,

Paula Bradshaw